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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,902

10/13/2005

Ulrich Weidmann

HAM P2072

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03/10/2008

HUNTSMAN ADVANCED MATERIALS AMERICAS INC.

LEGAL DEPARTMENT

10003 WOODLOCH FOREST DRIVE

THE WOODLANDS, TX 77380

EXAMINER

ARNBERG, MEGAN C

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

03/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,902	Applicant(s) WEIDMANN, ULRICH	
	Examiner MEGAN ARNBERG	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19, 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 13, 14 and 17 is/are rejected.
- 7) ☒ Claim(s) 14-18, 20-22 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/07/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 14- 18, 20- 22, and 25 objected to because of the following informalities:
There is a typographical error; the word "claim" should not be capitalized in the claims.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

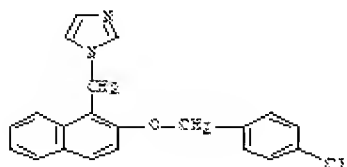
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogata et al. (U.S. Pat. 4,463,011).

Regarding claims 13, 14, and 17: Ogata et al. teaches:



(col. 17, Ex. No. 90), which is a compound of general formula (I) where R₁, R₂, R₃, R₄, R₅, R₆, R₇, R₈, R₉ of the instant compound are hydrogen and R is a C₇ aryl group.

Allowable Subject Matter

Claims 15, 16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 15: Ogata et al. is the closest prior art to the claimed compound. There is no teaching or suggestion to have the instant radical R_1 as a C_{1-17} alkyl; phenyl; or C_{7-15} phenylalkyl, optionally substituted by 1-3 C_{1-4} alkyl groups.

Regarding claim 16: Ogata et al. is the closest prior art to the claimed compound. There is no teaching or suggestion to have the instant radical R as C_{1-12} alkyl or C_{3-12} alkenyl or for instant formula (II) $n = 6-12$.

Regarding claim 18: Ogata et al. is the closest prior art to the claimed compound. There is no teaching or suggestion to have the instant R_1 methyl or the instant R as n-butyl, n-nonyl, n-dodecyl or allyl or $n=8$.

Claims 19, 23 and 24 are allowed.

Claims 20-22 and 25 are free of rejections over the prior art, however the standing objections to these claims must be corrected before they are indicated allowable.

Regarding claims 19-22: Ogata et al. is the closest prior art to the claimed compound. However, the compound of Ogata et al. is an antimycotic drug or

agricultural fungicide. There is no teaching or suggestion to combine the compound with an epoxy resin.

Regarding claims 23-25: Ogata et al. is the closest prior art to the claimed compound. However, the compound of Ogata et al. is an antimycotic drug or agricultural fungicide. There is no teaching or suggestion to combine the compound with an epoxy resin or to use the compound as a curing agent.

Response to Arguments

Applicant's arguments with respect to claims 13, 14, and 17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see pages 9-13, filed December 7, 2007, with respect to claims 15, 16, 18, and 19-25 have been fully considered and are persuasive. The rejection of claims 15, 16, 18, and 19-25 has been withdrawn.

The provisional obviousness-type double patenting rejection to claims 13-25 over claims 1-6, 8-11 and 13-15 of co-pending Application No. 10/552,908 is respectfully withdrawn.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEGAN ARNBERG whose telephone number is (571)270-3292. The examiner can normally be reached on Monday - Friday 7:30-5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796
29-Feb-08

/M. A./
Examiner, Art Unit 1796